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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,679	11/08/2002	Shyh-yeu Wang	8696-US-PA	9293

31561 7590 01/22/2004

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,679

Applicant(s)

WANG ET AL.

Examiner

Angel A Castro

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention I in Paper No. 9 is acknowledged.
2. Claims 10-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 9.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: upper surface 26, in page 5, line 25 of the specification.
5. The drawings are objected to because in figure 2, element "26" is mislabeled and should be changed to --24--; element "24" is mislabeled and should be changed to --23--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashiro et al (U.S. Pat. 5,238,722).

Regarding claim 1, Yashiro et al discloses a structure for intensifying tracking signals from an optical disk (figure 2), at least comprising:

a substrate 1;

a dye material layer 2 over the substrate;

an optical correction layer 5 over the dye material layer; and

a reflection layer 3 over the optical correction layer,

wherein the optical correction layer between the dye material layer and the reflection layer is a layer for improving tracking signals from the optical disk (column3, lines 59-60).

Regarding claim 3, Yashiro et al discloses that the optical correction layer is a transparent or a semi-transparent layer (column 3, lines 67-68).

Regarding claim 4, Yashiro et al discloses that the material constituting the transparent or semi-transparent layer is selected from a group of inorganic compound consisting of metal, silicon and oxygen, nitrogen, sulfur (column 3, lines 67-68).

Regarding claim 5, Yashiro et al discloses that the optical correction layer is formed in a sputtering process (column 4, lines 22-26).

Regarding claim 6, Yashiro et al shows that the maximum absorption of light by the dye occurs at a wavelength between 500 ~ 650 nm (see figure 3).

Regarding claims 7-8, Yashiro et al discloses that the optical correction layer has a thickness between 10 Å to 1000 Å or 30 Å to 300Å (column 4, lines 3-6).

Regarding claim 9, Yashiro et al discloses that the material constituting the reflection layer is selected from a group consisting of gold, silver, aluminum and an alloy thereof (column 3, lines 50-54).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yashiro et al in view of Miyamoto et al (U.S. Pat. 6,636,477).

Regarding claim 2, Yashiro et al discloses the optical disk described above. Yashiro et al does not specifically disclose that the optical disk is a recordable digital versatile disk (DVD-R). Miyamoto et al discloses a recordable digital versatile disk (DVD-R) (figure 9). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the optical disk of Yashiro et al in a digital versatile disk as taught by Miyamoto et al.

The rationale is as follows: One of ordinary skill in the art would have been motivated to utilize the optical disk of Yashiro et al in a digital versatile disk as taught by Miyamoto et al as doing this would increase the capacity of the disk while ensuring a reliable reproduction performance.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edwards et al (U.S. Pat. 6,678,237) discloses a dual layer optical storage medium; Chen et al (U.S. Pat. 6,667,948) discloses an optical recording medium having ROM area and RAM area; Miura et al (U.S. Pat. 4,871,601) discloses an optical information recording carrier.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-746-6037.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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A handwritten signature in black ink, appearing to read "Angel Castro C". The signature is written in a cursive, flowing style.

Angel Castro, Ph.D.